

# **State Board of Midwifery**



## **Functional Analysis & Records Disposition Authority**

**Presented to the  
State Records Commission  
April 20, 2022**

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# Functional and Organizational Analysis of the State Board of Midwifery

## Sources of Information

- Representatives of the State Board of Midwifery
- Alabama Acts 1874-34, 1881-89, 1903-542, 1919-658, 1935-444, 1976-499, and 2017-383
- Code of Alabama 1975 § 34-19-2 to § 34-19-21
- Alabama Administrative Code Chapter 582-X-1 to 582-X-4
- Archives Division, State Agency Files (1985-ongoing)
- State Board of Midwifery Website ([www.alsbm.org](http://www.alsbm.org))
- Tovino, Stacey A. “American Midwifery Litigation and State Legislative Preferences for Physician-Controlled Childbirth.” *Scholarly Works*, University of Nevada, Las Vegas, 2004.
- *State v. Kimpel*, 665 So. 2d 990, Alabama Court of Criminal Appeals (1995).
- Alabama Midwives Alliance Website ([www.alabamamidwivesalliance.org](http://www.alabamamidwivesalliance.org))
- Alabama Birth Coalition Website ([www.alabamabirthcoalition.org](http://www.alabamabirthcoalition.org))
- North American Registry of Midwives Website ([www.narm.org](http://www.narm.org))

## Historical Context

Since Alabama’s establishment, midwives have been assisting with births in the state. Prior to the mid-nineteenth century, few male physicians in Alabama supervised the delivery of babies. Birthing happened in female-dominated spaces, often in the home, but childbirth became increasingly regulated as the nineteenth century drew to it close. First, Alabama created the State Board of Health and county health offices in 1874.<sup>1</sup> In 1881, the legislature required midwives to report every birth and death to the local health department, and Alabama Act 1903-542 required midwives to report all births monthly.<sup>2</sup>

The State of Alabama began requiring that midwives be licensed with the passage of Alabama Act 1919-658, which stated that anyone practicing midwifery who is not a licensed physician must pass an examination and be certified by the local county health department. With Alabama Act 1935-444, the Legislature created legal penalties for midwives who practiced without being registered with the county health department. Midwives could be found guilty of a misdemeanor and fined or serve jail time for assisting with births without proper registration.

As hospital births increased, the number of births overseen by midwives decreased. However, women in many areas continued to use midwives, especially in rural and Black communities. In the 1930s, there were over 3,500 licensed midwives in the state, and the majority of Black

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<sup>1</sup> Alabama Act 1874-34.

<sup>2</sup> Alabama Act 1881-89.

mothers used midwives.<sup>3</sup> However, the prevalence of lay midwifery declined sharply with the passage of Alabama Act 1976-499, which required the licensure of nurse midwives.<sup>4</sup> County health departments were responsible for licensing lay midwives, while the State Board of Nursing licensed nurse midwives. Nurse midwives were licensed nurses who possessed additional midwife credentials. The legislation did not explicitly prevent “lay-midwives, holding valid health department permits, from engaging in the practice of lay-midwifery as heretofore provided until such time as said permit may be revoked by the County Board of Health.” In practice, however, county health departments stopped issuing lay midwife permits soon after the law passed.<sup>5</sup> “After decades of practice, more than 150 Alabama midwives, all of whom were Black, received letters or visits from physicians or nurses informing them that they could no longer practice midwifery,” and no lay-midwives were legally practicing in the state within five years after the passage of Alabama Act 1976-499.<sup>6</sup>

In 1995, the courts addressed Alabama Act 1976-499, when Toni Darlene Kimpel was charged with practicing nurse midwifery without a license. Kimpel argued she had been practicing lay midwifery, which is permitted under the Act’s provisions. A lower court agreed that Act 1976-499 was “vague and ambiguous” and did not clearly define lay midwifery, dismissing Kimpel’s charges. The Alabama Court of Criminal Appeals overruled the lower court’s decision, however, concluding that “both the words and meaning of Alabama’s midwifery statute are clear” in describing what types of midwifery are and are not permissible. With the end of licensed lay midwives and the requirement in the 1976 legislation that “all deliveries must be planned to take place in the hospital,” Alabama effectively saw an end to all professionally assisted home births for over four decades.<sup>7</sup>

In 2004, maternity care advocates established the Alabama Birth Coalition to champion the legalization and licensure of Certified Professional Midwives, a nationally recognized accreditation issued by the North American Registry of Midwives.<sup>8</sup> In 2006, State Representative Laura Hall first introduced legislation to allow midwifery in the state with House Bill 310. Advocates worked for the next decade to pass legislation. The Legislature ultimately passed Alabama Act 2017-383, which created the State Board of Midwifery, allowed Certified Professional Midwives to become licensed and practice in the state, and allowed midwife-assisted home births. The law places limitations on the types of births a midwife may deliver, such as multiple pregnancy, and requires the certification of births and reporting to the Department of Public Health. As of April 2022, the Board of Midwifery has licensed twenty-two Certified Professional Midwives.

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<sup>3</sup> Stacey A. Tovino, “American Midwifery Litigation and State Legislative Preferences for Physician-Controlled Childbirth,” *Scholarly Works*, University of Nevada, Las Vegas, 2004.

<sup>4</sup> Nurse midwives are registered nurses permitted to practice midwifery by the State Board of Nursing and the Board of Medical Examiners.

<sup>5</sup> Stacey A. Tovino, “American Midwifery Litigation and State Legislative Preferences for Physician-Controlled Childbirth,” *Scholarly Works*, University of Nevada, Las Vegas, 2004.

<sup>6</sup> Tovino, “American Midwifery Litigation,” 2004.

<sup>7</sup> Alabama Act 1976-499.

<sup>8</sup> Alabama Birth Coalition, “About ABC,” accessed December 13, 2021, <https://www.alabamabirthcoalition.org/about>.

## Agency Organization

The State Board of Midwifery consists of seven members, appointed by the Governor and approved by the Alabama Senate. The Code of Alabama 1975 § 34-19-12 requires that four members of the Board be Certified Professional Midwives, one a nurse practitioner, one a licensed nurse, and one an individual who has used midwifery services. The Board is required to meet at least twice a year and may hire “investigators, inspectors, attorneys, and any other agents, employees, and assistants” necessary to complete the agency’s duties. As of this writing, the Board uses an independent contractor to perform the administrative work of the Board.

## Agency Function and Subfunctions

The mandated function of the State Board of Midwifery is to approve licenses to practice midwifery and to investigate and conduct hearings regarding complaints against licensed midwives. As such, it is one of the agencies responsible for performing the Regulatory function of Alabama government as described in the “Functional Analysis of Alabama Government.”

In the performance of its mandated function, the Board may engage in the following subfunctions:

- **Promulgating Rules and Regulations.** The State Board of Midwifery is authorized, under the Code of Alabama 1975 § 34-19-14, to make and adopt rules for licensure requirements, setting minimum standards for midwives’ professional conduct, and establishing complaint investigation procedures. This subfunction encompasses activities pertaining to the development of rules, regulations, and procedures for licensure.
- **Licensing.** The State Board of Midwifery issues licenses to Certified Professional Midwives in Alabama. As provided by the Code of Alabama 1975 § 34-19-15, all licensed midwives must have received either a “certified professional midwife credential through an education program or pathway accredited by the Midwifery Education Accreditation Council or by another accrediting agency recognized by the United States Department of Education” or have a Midwifery Bridge Certificate.<sup>9</sup> The North American Registry of Midwives (NARM) credentials Certified Professional Midwives, who must meet educational requirements, including at least two years of clinical experience and pass an examination.<sup>10</sup> Beyond the educational and experience requirements specified by NARM, the Code of Alabama 1975 § 34-19-15 states that, in order to become licensed as a midwife, applicants must be at least twenty-one years old and a citizen or lawful resident of the United States.

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<sup>9</sup> Midwifery Bridge Certificates are for applicants who became Certified Professional Midwives prior to 2020 via non-accredited pathway or are licensed in a state that does not require accredited education. The Midwifery Bridge Certificates require accredited continuing education hours. North American Registry of Midwives, “Midwifery Bridge Certificate,” accessed December 15, 2021, <https://narm.org/certification-recertification/mbc/>.

<sup>10</sup> North American Registry of Midwives, “Candidate Information Booklet (CIB),” accessed February 18, 2022, <https://narm.org/pdf/CIB.pdf>.

- **Investigating Complaints and Violations.** The Code of Alabama 1975 § 34-19-14 allows the Board to “investigate and conduct hearings regarding complaints against a licensed midwife in order to determine if disciplinary action is warranted.” The Board may suspend or revoke a license of a midwife that “engaged in unprofessional conduct” or “performed an act that exceeds the scope of practice granted by the board to the licensed midwife.”<sup>11</sup> The Board’s Complaint Review Committee determines whether a complaint is unfounded or warrants a hearing before the full Board.
- **Administering Internal Operations.** A significant portion of the agency’s work includes general administrative, financial, and personnel activities performed to support the programmatic areas of the agency, including:

**Managing the Agency:** Activities include internal office management activities common to most government agencies such as corresponding and communicating, scheduling, meeting, documenting policy and procedures, reporting, litigating, legislating (drafting, tracking), publicizing and providing information, managing records, and managing information systems and technology.

**Managing Finances:** Activities include budgeting (preparing and reviewing budget package, submitting the budget package to the Department of Finance, documenting amendments and performance of the budget); purchasing (requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received); accounting for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency’s budget through a uniform system of accounting and reporting; authorizing travel; contracting with companies or individuals; bidding for products and services; and assisting in the audit process.

**Managing Human Resources:** Activities include recruiting and hiring eligible individuals to fill positions within the agency; providing compensation to employees; providing benefits to employees such as leave, health insurance, unemployment compensation, workers’ compensation, injury compensation, retirement, and death benefits; supervising employees by evaluating performance, granting leave, and monitoring the accumulation of leave; training and providing continuing education for employees; and investigating and disciplining.

**Managing Properties, Facilities, and Resources:** Activities include inventorying and accounting for non-consumable property and reporting property information to the appropriate authority; leasing and/or renting offices or facilities; providing security for property managed by the agency; insuring property; and assigning, inspecting, and maintaining agency property.

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<sup>11</sup> Code of Alabama 1975 § 34-19-15.

# Records Appraisal of the State Board of Midwifery

The following is a discussion of the two major categories of records created and/or maintained by the State Board of Midwifery: Temporary Records and Permanent Records.

## Temporary Records

Temporary records should be held for what is considered their active life and be disposed of once all fiscal, legal, and administrative requirements have been met. Some of the temporary records created by the State Board of Midwifery are discussed below:

- **Register of Administrative Rules.** According to the Code of Alabama 1975 § 41-22-6 to § 41-22-7, agencies must compile and maintain “an official register of regulations which shall be compiled, indexed, published in loose-leaf form, and kept up to date...” This “official register of regulations” is known as “The State Board of Midwifery Code” and must be made available upon request to all persons. Since the register must be updated on an ongoing basis, it is to be retained until superseded.
- **Administrative Rule Change Working Files.** The Alabama Administrative Procedure Act (Code of Alabama 1975 Title 41 Chapter 22) details the steps which an agency must follow when updating its administrative rules. Working files are produced in the course of the proposal, adoption, amendment, and/or repeal of administrative rules. Records in this series may include, but are not limited to, the following: received public comments, economic impact statements, and business impact analyses. A retention of one year after adoption, amendment, repeal, or rejection of an administrative rule permits review by staff when considering similar rules.
- **Licensee Files.** The State Board of Midwifery is responsible for approving, renewing, suspending, and revoking licenses for the practice of midwifery in Alabama. Records in this series include applications for licensure and other documentation that the Board maintains, not otherwise described, in the administration of midwife licensing activities in Alabama. Applicants seeking to become licensed midwives must be at least twenty-one years old, a citizen or lawful resident of the United States, and meet certain educational and accreditation criteria. Applications for licensure include proof of completion of an accredited educational program or a Midwifery Bridge Certificate, verification of current Certified Professional Midwife credentials from the North American Registry of Midwives, proof of current liability insurance, and a background check.<sup>12</sup> Applications should be retained for fifteen years after the end of the fiscal year in which the licensee becomes inactive to ensure that records remain available for the duration of the licensee’s practice.

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<sup>12</sup> Midwifery Bridge Certificates are for applicants who became Certified Professional Midwives prior to 2020 via a non-accredited pathway or are licensed in a state that does not require accredited education. The Midwifery Bridge Certificates requires accredited continuing education hours. North American Registry of Midwives, “Midwifery Bridge Certificate,” accessed December 15, 2021, <https://narm.org/certification-recertification/mbc/>.

- **Licensure Renewals.** Midwives must renew their licenses every two years. Licensees must pay a fee and grant the State Board of Midwifery permission to conduct a background check. Since the Board collects a renewal fee which may be subject to audit, licensure renewal documentation should be retained for one year after compliance or financial audit.
- **Certified Professional Midwife Credential Verifications.** Credential verifications show that a midwife is up to date with continuing education and other credentialing requirements. These records must be submitted by midwives to the State Board of Midwifery every three years to demonstrate compliance with national midwifery standards. Midwives must meet ongoing education and credentialing requirements throughout their careers. Certified Professional Midwife credential verifications should be retained for six years to allow previous credential verifications to be referenced.
- **Proof of Personal Liability Insurance.** Midwives must maintain valid personal liability insurance in order to practice and be licensed.<sup>13</sup> Midwives must submit proof of insurance annually to the Board. Proofs of personal liability insurance are typically valid for a period of one year or less, so only the most current proofs of insurance need to be maintained.
- **Lists of Suspended, Revoked, or Denied Licenses.** The Code of Alabama 1975 § 34-19-15 requires the Board to keep an up-to-date list of all individuals whose licenses have been suspended, revoked, or denied. This list is required to “include the name of the individual, the date and the cause of action, the penalty incurred, and the length of the penalty.” The most current version should be retained to be available for public inspection. Outdated versions may be destroyed.
- **Complaint and Violation Investigation Files Resulting in Formal Disciplinary Actions.** Complaints against midwives are reviewed by the Complaint Review Committee. The Committee consists of an attorney, a midwife member of the Board, and a non-midwife member of the Board. The Committee may dismiss a complaint as unfounded or determine that the complaint requires further investigation. If the Committee determines that a hearing is warranted, the complaint hearing is open to the public. These records document misconduct or violations committed by a licensed midwife. These records should be maintained for fifteen years after the licensee becomes inactive in order to document any substantiated complaints or violations against a midwife.

## Permanent Records

The Archives Division has appraised the following records as permanent:

### Promulgating Rules and Regulations

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<sup>13</sup> Code of Alabama 1975 § 34-19-14.



- **Meeting Minutes, Agendas, and Packets of the State Board of Midwifery.** The Code of Alabama 1975 § 34-19-12 mandates that the Board hold at least two meetings each year. Information in meeting minutes, agendas, and packets may include reports from the board's officers or staff, reports from various internal committees/task forces, actions of the board on new applicants and renewals, and disciplinary actions. The minutes of these meetings are necessary to document the actions of the board and its members. **(Bibliographic Title: Meeting Files)**
- **Certified Copies of Administrative Rules.** The Alabama Administrative Code is a compilation of the rules of all state agencies subject to the Alabama Administrative Procedures Act. Each agency covered by the Act may propose and adopt revisions to its administrative rules. According to the Code of Alabama 1975 § 41-22-6, "each agency shall have an officer designated as its secretary and shall file in the office of the secretary of the agency a certified copy of each rule adopted [by the agency]." **(Bibliographic Title: Not Applicable) (Maintained by State Board of Midwifery)**

## **Licensing**

- **Annual Rosters of Licensed Midwives.** The Code of Alabama 1975 § 34-19-15 requires the Board to keep an up-to-date list of all licensed midwives. The rosters must be made available for public inspection during regular business hours, and information from the rosters may be shared with others as deemed necessary and acceptable by the Board. Taken together with the Lists of Suspended, Revoked, or Denied Licensees (described above), the rosters provide comprehensive documentation of the lawful practice of midwifery in Alabama. **(Bibliographic Title: Registers and Rosters)**

## **Administering Internal Operations**

- **Policies and Procedures - Policies and procedures governing core functions and services.** These records document the agency's role in promulgating policies governing critical operations. The scope of the series does not include policies concerning the administration of routine, internal operations. **(Bibliographic Title: Policies and Procedures)**
- **Administrative Files that Document Policy, Process, and Procedure.** These records, which include official correspondence of the agency, document actions and positions of the agency. They do not include correspondence dealing with routine matters. These records include, but are not limited to, correspondence with state officials, legal/advisory correspondence, subject files, and other correspondence. **(Bibliographic Title: Administrative Files)**
- **Annual and Other Periodic Reports.** These records include reports created by the agency that document its critical activities. This includes the annual summary report of statistical data, which each licensed midwife is required by the Code of Alabama 1975 § 34-19-12 to report to the Board. Other reports could include reports submitted to the

Governor and/or the Legislature. The frequency of report publications may vary (annual, biannual, quarterly, etc.). Interim reports that contain the same substantive information as a corresponding annual or other periodic report need not be retained permanently.

**(Bibliographic Title: State Publications)**

- **Special Reports.** These records include reports created by the agency pertaining to a specific topic or subject area. Special reports may be prepared on an irregular schedule. Interim reports that contain the same substantive information as a corresponding special report need not be retained permanently. **(Bibliographic Title: State Publications)**
- **Newsletters.** The agency publishes newsletters which provide recipients with information regarding the activities of the department; highlights of agency projects and programs; news and announcements; and upcoming events. These publications document the agency's outreach to key stakeholders and the public. **(Bibliographic Title: State Publications)**
- **Representational Final Versions of Informational and Promotional Materials.** These records are created to build public awareness about a variety of issues and department related activities. Examples of these records include, but are not limited to, press releases and brochures. The publications document the activities of the State Board of Midwifery and how it views these activities. **(Bibliographic Title: Publicity Files)**
- **Selection of Representative Photographs (Including High-Quality and/or Published Photographs).** This series includes photographs taken by department staff or contractors for informational and promotional purposes. A selection of the department's representative photographs, including high-quality photographs and/or photographs published in informational and promotional materials, provides visual documentation of the department's significant activities. This selection is to be retained permanently. Photographs outside of this representative selection, including duplicative and poor photographs, are to be retained for useful life. Copyright and reproduction records including, but not limited to, use agreements, release forms, service request forms, and requests for permission to reproduce or publish photographs, are to be retained for the life of the photograph and may be permanent if related to photographs with a permanent retention. Photographs taken for internal or reference use are to be retained for useful life. **(Bibliographic Title: Photographs)**
- **Final and/or Edited Audiovisual Materials.** This series includes audio and/or video recordings taken by department staff or contractors for informational or promotional purposes. Final and/or edited recordings document the department's activities and are to be retained permanently. Copyright and reproduction records including, but not limited to, use agreements, release forms, service request forms, and requests for permission are to be retained for the life of the recording. Stock or raw footage is to be retained for useful life. Recordings taken for internal or reference use are also to be retained for useful life. **(Bibliographic Title: Audiovisual Recordings)**

- **Board Member Files – Biographical and Historical Information.** These records include biographical description and other historical data related to the agency’s Board members. These records provide important documentation of the Board’s composition. **(Bibliographic Title: Board Member Biographical Files)**
  
- **Website(s) and Social Media Page(s).** The Board has a website at alsbm.org. Information on the website includes licensure requirements, forms for midwives, and meeting minutes. ADAH staff capture and preserve the agency’s website(s) and other social media page(s) via a service offered by the Internet Archive [Archive-It]. Any content behind password protection or login would not be captured by the ADAH. Check with the ADAH website at [www.archive-it.org/organizations/62](http://www.archive-it.org/organizations/62) to ensure that your agency’s website(s) and social media site(s) are captured and preserved. If your agency’s website(s) and social media page(s) are not being captured by the service, please contact the Archives Division at 334-242-4452 to get them included. **(Bibliographic Title: Website and Social Media Sites)**
  
- **Grant Records – Grant Project Final Narrative Reports.** Agencies may receive grants from federal, state, or nongovernmental entities. This series documents the implementation and work completed during the grant period. **(Bibliographic Title: Grant Reports)**

## **Permanent Records List State Board of Midwifery**

### **Promulgating Rules and Regulations**

1. Meeting Minutes, Agendas, and Packets of the State Board of Midwifery
2. Certified Copies of Administrative Rules\*

### **Licensing**

1. Annual Rosters of Licensed Midwives

### **Administering Internal Operations**

1. Policies and Procedures – Policies and procedures governing core functions and services
2. Administrative Files that Document Policy, Process, and Procedure
3. Annual and Other Periodic Reports
4. Special Reports
5. Newsletters
6. Representational Final Versions of Informational and Promotional Materials
7. Selection of Representative Photographs (Including High-Quality and/or Published Photographs)
8. Final and/or Edited Audiovisual Materials
9. Board Member Files – Biographical and Historical Information
10. Website(s) and Social Media Page(s)
11. Grant Records – Grant Project Final Narrative Reports

\*indicates records that the State Board of Midwifery determined should be retained permanently and that ADAH anticipates will remain in the care and custody of the creating agency. All other permanent records are to be transmitted to the ADAH once they are no longer in active use by the State Board of Midwifery.

# **State Board of Midwifery Records Disposition Authority**

This Records Disposition Authority (RDA) is issued by the State Records Commission under the authority granted by the Code of Alabama 1975 § 41-13-5 and 41-13-20 through 21. It was compiled by the Archives Division, Alabama Department of Archives and History (ADAH), which serves as the Commission's staff, in cooperation with representatives of the Agency. The RDA lists records created and maintained by the Agency in carrying out their mandated functions and activities. It identifies records which must be maintained permanently and ultimately transferred to the ADAH; establishes retention periods for temporary records; and provides the legal authority for the Agency to implement destruction of eligible records.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor in office and may be made available to members of the public. Records also must be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975 § 36-12-2, 36-12-4, and 41-5-23). For assistance in implementing this RDA, or for advice on records disposition or other records management concerns, contact the agency records manager or ADAH Archives Division at (334) 242-4452.

## **Explanation of Records Requirements**

The RDA shall govern the disposition of all records, regardless of format, created by the agency from creation to dissolution. Please contact the staff of the Department of Archives and History before destroying any records created prior to 1940.

This RDA supersedes any previous records disposition schedules or RDAs governing the retention of the records created by the Agency. Copies of superseded schedules are no longer valid and may not be used for records disposition.

The RDA establishes retention and disposition instructions for records listed below, regardless of the medium on which those records may be kept. Electronic mail, for example, is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.

Certain other record-like materials are not actually regarded as official records and may be disposed of under this RDA. Such materials include (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; (2) catalogs, trade journals, and other publications received that require no action and do not document agency activities; (3) stocks of blank stationery, blank forms, or other surplus materials that are not subject to audit and have become obsolete; (4) transitory records, which are temporary records created for short-term, internal purposes, may include, but are not limited to, telephone call-back messages, drafts of ordinary documents not needed for their evidential value, copies of material sent for information purposes but not needed by the receiving office for future

business, and internal communications about social activities; (5) honorary materials, plaques, awards, presentations, certificates, and gifts received or maintained by the agency staff. They may be disposed of without documentation of destruction.

## **Records Disposition Requirements**

This section of the RDA is arranged by subfunctions of the Agency and lists the groups of records created and/or maintained as a result of activities and transactions performed in carrying out these subfunctions. The Agency may submit requests to revise specific records disposition requirements to the State Records Commission for consideration at its regular biannual meetings.

### **Promulgating Rules and Regulations**

#### **MEETING MINUTES, AGENDAS, AND PACKETS OF THE STATE BOARD OF MIDWIFERY**

Disposition: PERMANENT RECORD.

#### **Recordings of Meetings**

Disposition: Temporary Record. Retain until the official minutes are adopted and signed.

#### **CERTIFIED COPIES OF ADMINISTRATIVE RULES**

Disposition: PERMANENT RECORD. Retain in office.

#### **Register of Administrative Rules**

Disposition: Temporary Record. Retain until superseded.

#### **Administrative Rule Change Working Files**

Disposition: Temporary Record. Retain 1 year after adoption, amendment, repeal, or rejection of the rule.

### **Licensing**

#### **Licensee Files**

Disposition: Temporary Record. Retain 15 years after the end of the fiscal year in which the licensee becomes inactive.

#### **Licensure Renewals**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit.

#### **Certified Professional Midwife Credential Verifications**

Disposition: Temporary Record. Retain 6 years.

#### **Proof of Personal Liability Insurance**

Disposition: Temporary Record. Retain until superseded.

#### **Applications Not Resulting in Licensure**

Disposition: Temporary Record. Retain 5 years.

## **ANNUAL ROSTERS OF LICENSED MIDWIVES**

Disposition: PERMANENT RECORD.

## **Lists of Suspended, Revoked, or Denied Licenses**

Disposition: Temporary Record. Retain until superseded.

## **Investigating Complaints and Violations**

### **Complaint and Violation Investigation Files Resulting in Formal Disciplinary Actions**

Disposition: Temporary Record. Retain 15 years after the end of the fiscal year in which the licensee becomes inactive.

### **Complaint and Violation Investigation Files Not Resulting in Formal Disciplinary Actions**

Disposition: Temporary Record. Retain 5 years after end of investigation.

## **Administering Internal Operations: Managing the Agency**

### **Policies and Procedures**

- a. POLICIES AND PROCEDURES GOVERNING CORE FUNCTIONS AND SERVICES  
Disposition: PERMANENT RECORD.
- b. Policies and procedures concerning internal operations, including the administration of finances, personnel, properties, facilities, and resources  
Disposition: Temporary Record. Retain 3 years.

### **ADMINISTRATIVE FILES THAT DOCUMENT POLICY, PROCESS, AND PROCEDURE**

Disposition: PERMANENT RECORD.

### **ANNUAL AND OTHER PERIODIC REPORTS**

Disposition: PERMANENT RECORD.

### **SPECIAL REPORTS**

Disposition: PERMANENT RECORD.

### **NEWSLETTERS**

Disposition: PERMANENT RECORD.

### **REPRESENTATIONAL FINAL VERSIONS OF INFORMATIONAL AND PROMOTIONAL MATERIALS**

Disposition: PERMANENT RECORD.

### **Informational and Promotional Working Files**

Disposition: Temporary Record. Retain for useful life.

### **Photographs**

- a. SELECTION OF REPRESENTATIVE PHOTOGRAPHS (INCLUDING HIGH-QUALITY AND/OR PUBLISHED PHOTOGRAPHS)  
Disposition: PERMANENT RECORD.
- b. Photographs Outside of Representative Selection (Including Duplicative and Poor Photographs)  
Disposition: Temporary Record. Retain for useful life.
- c. Copyright and Reproduction Records for Photographs  
Disposition: Retain for life of photograph.
- d. Photographs Taken for Internal or Reference Use  
Disposition: Temporary Record. Retain for useful life.

### **Audiovisual Recordings**

- a. FINAL AND/OR EDITED AUDIOVISUAL RECORDINGS  
Disposition: PERMANENT RECORD.
- b. Footage (Including Stock and Raw Audiovisual Recordings)  
Disposition: Temporary Record. Retain for useful life.
- c. Copyright and Reproduction Records for Audiovisual Recordings  
Disposition: Retain for life of recording.
- d. Audiovisual Recordings Taken for Internal or Reference Use  
Disposition: Temporary Record. Retain for useful life.

### **Board Member Files**

- a. BIOGRAPHICAL AND HISTORICAL INFORMATION  
Disposition: PERMANENT RECORD.
- b. Board Appointment Letters  
Disposition: Temporary Record. Retain 1 year after audit after the term expires.
- c. Other Files about Board Members  
Disposition: Temporary Record. Retain for useful life.

### **Routine Correspondence**

Disposition: Temporary Record. Retain 3 years.



**Administrative Reference Files**

Disposition: Temporary Record. Retain for useful life.

**Legislative Files (drafts of proposed agency-sponsored legislation, tracking files and records)**

Disposition: Temporary Record. Retain for useful life.

**Records documenting the implementation of the agency's approved RDA (copies of transmittal forms to Archives or State Records Center, evidence of obsolete records destroyed, and annual reports to State Records Commission)**

Disposition: Temporary Record. Retain 10 years.

**Signed Copies of Approved RDA**

Disposition: Temporary Record. Retain until superseded.

**Computer Systems Documentation (Hardware/Software Specifications and Warranties)**

Disposition: Temporary Record. Retain documentation of former system 1 year after audit for the fiscal year in which the former hardware and software no longer exists anywhere in the agency and all permanent records have been migrated to a new system.

**WEBSITE(S) AND SOCIAL MEDIA PAGE(S)**

Disposition: PERMANENT RECORD.

*Note: ADAH staff capture and preserve the agency's website and other social media pages via a service offered by the Internet Archive [Archive It]. Any content behind password protected or login would not be captured by ADAH. Check with the ADAH website at [www.archive-it.org/organizations/62](http://www.archive-it.org/organizations/62) to ensure your agency and social media page(s) are captured and preserved. If your agency's website and social media page(s) are not captured by the service, please contact the Archives Division at 334-242-4452 to get them included.*

**Administering Internal Operations: Managing Finances****Records documenting the preparation of a budget request package and reporting of the status of funds, requesting amendments of allotments, and reporting program performance**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later.

**Records documenting the requisitioning and purchasing of supplies and equipment, receipting and invoicing for goods, and authorizing payment for products**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later.

**Records of original entry or routine accounting transactions, such as journals, registers, ledgers, and receipt books, and records of funds deposited outside the state treasury**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later.

#### **Purchase and Repair Order Documents**

Disposition: Temporary Record. Retain for life of warranty.

#### **Records documenting requests for authorization from supervisors to travel on official business and other related materials, such as travel reimbursement forms and itineraries**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later.

#### **Records documenting contracts for services or personal property**

Disposition: Temporary Record. Retain 6 years after expiration of the contract.

#### **Records documenting the bid process (including requests for proposals and unsuccessful responses)**

Disposition: Temporary Record. Retain for 10 years after the award of the contract.

#### **Agency Audit Reports**

Disposition: Temporary Record. Retain 6 years after the end of the fiscal year in which the records were created.

#### **Records documenting the application for, award of, receipt and disbursement of, and reporting of expenditure of federal funds received through grants and federal funds**

Disposition: Temporary Record. Retain 6 years after submission of final expenditure report.

#### **Records documenting the unsuccessful application for grants and federal funds**

Disposition: Temporary Record. Retain 1 year.

#### **Grant Records**

- a. GRANT PROJECT FINAL NARRATIVE REPORTS

Disposition: PERMANENT RECORD.

- b. Grant Applications and Application Materials Received

Disposition: Temporary Record. Retain 6 years after submission of final report, conclusion of the grant, or rejection of application.

- c. Grant Financial Reports

Disposition: Temporary Record. Retain 6 years after submission of final report or conclusion of the grant, or two years after audit, whichever is longer.

- d. Supporting Documentation

Disposition: Temporary Record. Retain 6 years after submission of final report or conclusion of the grant, or two years after audit, whichever is longer.

## **Administering Internal Operations: Managing Human Resources**

### **Job Recruitment Materials**

Disposition: Temporary Record. Retain 1 year after audit.

### **Application Materials**

Disposition: Temporary Record. Retain 1 year.

### **Position Classification Questionnaire**

Disposition: Temporary Record. Retain 4 years after reclassification of the position.

### **Records documenting payroll (e.g. pre-payroll reports, payroll check registers)**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm.

### **Records documenting payroll deduction authorizations**

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

### **Records documenting payroll deductions for tax purposes (including Form 941)**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later.

### **Personnel File - Records documenting an employee's work history - generally maintained as a case file**

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

### **Records documenting employees' daily and weekly work schedules**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later.

### **Records documenting employee hours worked, leave earned, and leave taken**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later.

### **Records Documenting Leave Donations**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later.

**Records of Final Leave Status**

Disposition: Temporary Record. Retain record of individual employees' cumulative leave 6 years after separation of employee from the agency.

**Employee Flexible Benefits Plan Files (Applications and Correspondence)**

Disposition: Temporary Record. Retain 6 years after termination of participation in program.

**Records documenting the State Employee Injury Compensation Trust Fund (SEICTF) Claims**

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

**Records documenting Equal Employment Opportunity Commission (EEOC) Charges of Discrimination**

Disposition: Temporary Record. Retain 6 years after final dispensation.

**Equal Employment Opportunity Commission Case Files**

Disposition: Temporary Record. Retain 3 years.

**Employee Administrative Hearing Files**

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

**Records Documenting Employee Grievances (Internal Complaints)**

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

**Records documenting complaints against the agency and its employees from outside the agency (made by members of the public, officials, or supervisees, etc.)**

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

**Records (maintained separately from employee personnel file) documenting employee disciplinary proceedings and appeals of formal reprimands, demotions, transfers, or terminations resulting from a grievance or complaint**

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

**Records documenting the administration of the unemployment compensation program**

Disposition: Temporary Record. Retain 6 years after conclusion of eligibility.

## **Administering Internal Operations: Managing Properties, Facilities, and Resources**

### **Semiannual Property Inventory Lists**

Disposition: Temporary Record. Retain 2 years. (Code of Alabama 1975 § 36-16-8[1]).

### **Agency Copies of Transfer of State Property Forms (SD-1)**

Disposition: Temporary Record. Retain 1 year after property audit.

### **Property Inventory Cards and/or Computer Files**

Disposition: Temporary Record. Retain 1 year after property audit.

### **Property Inventory Affidavits**

Disposition: Temporary Record. Retain 1 year after property audit.

### **Receipts of Responsibility for Property**

Disposition: Temporary Record. Retain until return of item to property manager.

### **Records documenting the use, maintenance, ownership, insurance, and disposition of vehicles owned by the agency**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the vehicle was removed from the property inventory.

### **Real Property Renting/Leasing records**

Disposition: Temporary Record. Retain 6 years after the termination of lease or rental agreement or until agency is audited and audit report is released, whichever is longer.

### **Facilities/Building Security Records (including visitor logs)**

Disposition: Temporary Record. Retain 1 year.

### **Motor Pool Vehicle Use Records**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later.

### **Insurance Policies/Risk Management Records**

Disposition: Temporary Record. Retain 6 years after termination of policy or membership.

### **Building Maintenance Work Orders**

Disposition: Temporary Record. Retain 1 year.

### **Records Documenting Vehicle Use/Mileage**

Disposition: Temporary Record. Retain 1 year.

# **Requirement and Recommendations for Implementing the Records Disposition Authority (RDA)**

## **Requirement**

Under the Code of Alabama 1975 § 41-13-21, “no state officer or agency head shall cause any state record to be destroyed or otherwise disposed of without first obtaining approval of the State Records Commission.” This Records Disposition Authority constitutes authorization by the State Records Commission for the disposition of the records of the Agency as stipulated in this document.

One condition of this authorization is that the Agency submit an annual Records Disposition Authority (RDA) Implementation Report on its activities, including documentation of records destruction, to the State Records Commission.

Unless otherwise stipulated in this document, the Agency must transmit all permanent records which are no longer in active use to the ADAH.

## **Recommendations**

In addition, the Agency should make every effort to establish and maintain a quality record-keeping program by conducting the following activities:

The Agency should designate a staff member in a managerial position as its records liaison/records manager, who is responsible for: ensuring the development of quality record keeping systems that meet the business and legal needs of the agency, coordinating the transfer and destruction of records, ensuring that permanent records held on alternative storage media (such as microforms and digital imaging systems) are maintained in compliance with national and state standards, and ensuring the regular implementation of the agency’s approved RDA.

Permanent records in the Agency’s custody should be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation. ADAH archivists are available to work with Agency staff in determining the best location and storage conditions for permanent records.

Destruction of temporary records, as authorized in this RDA, should occur agency-wide on a regular basis – for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. Despite the RDA’s provisions, no record should be destroyed that is necessary to comply with requirements of the Open Meetings Act, audit requirements, or any legal notice or subpoena.

The agency should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the agency chooses to maintain permanent records

solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records' permanent preservation and accessibility.

Electronic mail contains permanent, temporary, or transitory record information. Although e-mail records can be printed out, filed, and retained according to the RDA's requirements, the office should preferably employ an electronic records management system capable of sorting e-mail into folders and archiving messages having long-term value.

The staff of the State Records Commission or the Examiners of Public Accounts may examine the condition of the permanent records maintained in the custody of the Agency and inspect records destruction documentation. Agency records managers and/or the ADAH archivists are available to instruct the staff in RDA implementation and otherwise assist the Agency in implementing its records management program. For more information, please call the ADAH Archives Division at 334-242-4452.

The State Records Commission adopted this records disposition authority on April 20, 2022.

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Steve Murray, Chairman  
State Records Commission

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Date

By signing below, the agency acknowledges receipt of the retention periods and requirements established by the records disposition authority.

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Noel Leithart, Board Member  
State Board of Midwifery

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Date